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December 7, 2023

The Honorable Robert Lehrburger  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Based on Defendants representations in their December 12, 2023 letter filed at Dkt. 53, Plaintiff's motion to compel is granted insofar as Defendants shall complete fulfillment of their pending discovery obligations (including responses to Plaintiff's request for production of documents and interrogatories) by December 20, 2023. SO ORDERED.  
Dec. 12, 2023

A handwritten signature in blue ink, appearing to be "BR" followed by a flourish.

USMJ

**Re: Swartz v. Giraffe Company Inc. and Library Hotel Company Inc.**  
**NYSD Case No. 1:23-cv-03842**

Your Honor:

In accordance with section II paragraph D of the Court's Individual Practices in Civil Cases, I am submitting this second letter motion to compel discovery regarding the above-referenced matter. A prior letter motion pertaining to this same matter was previously filed on November 20, 2023 [Document 49], and is incorporated by reference herein.

Opposing counsel in his response thereto [Document 50] advised that his client was "travelling" and that the responses have been "delayed", but promised that the referenced discovery responses would be provided by December 4, 2023. This Court's order dated November 27<sup>th</sup> [Document 51] stated that based upon the information provided (presumably the afore-referenced promise), that the first letter motion would be denied without prejudice.

December 4<sup>th</sup> has now come and gone, and no discovery responses have been provided as promised. The undersigned attempted to contact Mr. Segal both via telephone and email on December 5<sup>th</sup>, but there has been no response. Based thereupon, it is respectfully requested that this Honorable Court compel the Defendant's responses to the Plaintiff's request for production and interrogatories previously issued herein on September 19, 2023.

The undersigned certifies that he previously met and conferred with opposing counsel via telephone regarding this matter, and more recently has attempted on numerous occasions to meet and confer with opposing counsel again both via telephone and email, though with no success.

Respectfully,

/s/ Brandon Rotbart  
BRANDON A. ROTBART

cc: Mitchell Segal, Esq.